

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-67-C - ORDER NO. 2005-167
APRIL 20, 2005

IN RE: Petition of MCImetro Access Transmission Services, LLC for Arbitration with Farmers Telephone Cooperative, Inc., Hargray Telephone Company, Home Telephone Co., Inc., and PBT Telecom, Inc. under the Telecommunications Act of 1996.)	ORDER ESTABLISHING
)	ARBITRATION PLAN
)	AND SCHEDULE
)	
)	
)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on a Petition for Arbitration filed by MCImetro Access Transmission Services, LLC (“MCI”) on March 17, 2005, involving MCI and Farmers Telephone Cooperative, Inc., Hargray Telephone Company, Home Telephone Co., Inc. and PBT Telecom, Inc. (collectively, the “ILECs”). The Petition was filed pursuant to Section 252(b) of the Telecommunications Act of 1996 (“Act”) and other law. By its Petition, MCI requests the Commission to arbitrate certain terms and conditions of proposed agreements between MCI and the ILECs. Additionally, MCI requests the Commission to arbitrate the unresolved issues between MCI and the ILECs within the timetable specified by the Act. Under Act No. 175, the Office of Regulatory Staff (“ORS”) is a party in arbitration cases.

Section 252 (b)(4)(C) of the Telecommunications Act of 1996 requires that a state commission hear and rule on a petition for arbitration no later than 9 months after the date on which the local exchange carrier received the request for negotiation. In its

Petition, MCI asserts that commencement of negotiations in the present proceeding was commenced on or about October 8, 2004. We must therefore hear and rule on this matter on or before July 8, 2005. Accordingly, we will rule on various procedural matters connected with this case in this Order and establish an Arbitration Plan.

The Arbitration Hearing in this Docket shall begin at **2:30 p.m. on Monday, June 13, 2005**, in the Commission Hearing Room.

The Commission hereby orders that twenty-five (25) copies of the direct testimony and exhibits of MCI shall be prefiled on or before **May 16, 2005**. Further, twenty-five (25) copies of the direct testimony and exhibits of the ILECs shall be prefiled on or before **May 30, 2005**.

MCI shall prefile any rebuttal testimony and exhibits on or before **June 6, 2005**. Further, the ILECs shall prefile any surrebuttal testimony and exhibits on or before **June 8, 2005**. It should be noted that acceptance of surrebuttal testimony and exhibits is subject to the discretion of the Commission.

The Parties shall file prehearing briefs and proposed orders with the Commission on or before **June 9, 2005**.

The parties shall serve the other parties with copies of all prefiled testimony and exhibits as well as with copies of the prehearing briefs. **Service on the parties and the Commission of the prefiled testimony and exhibits and the prehearing briefs shall be made by the close of business on the dates herein specified with such prefiled testimony and exhibits and prehearing briefs being delivered to the Commission and the opposing party by the close of business on the dates herein specified.** If actual,

physical service cannot be accomplished on the dates indicated herein, service may be accomplished by facsimile transmission or e-mail transmission of the prefiled testimony and exhibits and prehearing briefs by the close of business on the dates specified, with over-night delivery to follow.

All parties are reminded that all witnesses must be present during the hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.

Opening statements of the parties and any participants will be allowed at the beginning of the hearing. Closing statements of the parties and any participants will be allowed at the conclusion of the hearing.

Direct testimony and exhibits, as well as rebuttal and surrebuttal testimony and exhibits, of the parties' witnesses shall be presented to the Arbitrator in a panel format, with all witnesses being sworn in concurrently. Examination of witnesses will proceed issue by issue, with all witnesses on an issue being examined by all parties before proceeding to the next issue. Examination of the witnesses shall be conducted by attorneys for the Parties. The examination may be directed to specific witnesses or to the entire panel of witnesses. Responses by other witnesses, other than the witness or witnesses to whom the question is directed, may be allowed at the discretion of the Chairman.

Please note that any party requesting modification of this schedule must file a request for such modification with the Commission.

APRIL 20, 2005

PAGE 4

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)